Previous references.

1905-6
(I & A)

File No. 227

Serial Nos.

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1, 2, 5 & 16

Part B. for March

SUBJECT.

The applicability of Art 539 of the Re & R to Marches of less than 20 miles a day for which full rates of daily allowance are claimed thereby & the treatment of the said marches technically as halts.

G. R. S. 11] 1905-06

GENERAL AND REVENUE SECRETARIAT

(S & A)

NOTES.

File. No 227-05

FILE HEADING.

T.A. Bills of the Dy. Comr. Mysore District

From

The Revenue Commissioner in Mysore

No. 2855 Dated 18/9/05 Received 21/9/05

Diary No. 1265 | Enclos. 5 Spare Copies. | erial No. /

BRIEF ABSTRACT OF LETTER.

Submits a copy of letter no 888 dt the 28/6/05 and letter no. 23 dt the 7/7/05 together with their enclosures from the Deputy Comr, Mysore District, regarding the disallowance of certain sums by the Comptroller in the travelling allowance bills of Mr H. D Sparks for March and April 1905 and requests that the Comptroller may be asked to pass the disallowed amounts

NOTES AND ORDERS.

Art 559 requires that an officer drawing daily allowances under art 557 must certify that he has maintained equipage during the period for which full daily halting allowance is claimed. Otherwise only half the daily allowance is admissible.

NOTES—First sheet.

MGCPB—30,000—17-2-05.

G.R.S. 12]

General and Revenue Secretariat.

SA File No. 227 of 1905-06

Serial No.

The certificate seems to be necessary in all cases where such allowances are drawn under Art. 557 no matter how they are claimed, whether for marches or for halts. The fact that these allowances are claimed & called daily halting allowances in the article does not seem to make any difference in this respect. They seem to have been so called more with reference to the camp equipage used for halting purposes, for the carriage of which such allowances are paid than to any actual halt that may be made. No such difference between daily marching allowances and daily halting allowances as has been pointed out in the letter under disposal seems to have been made anywhere in the M.S.R. Nor is an exception as however made in the case of the Dewan and Feudatory officers amongst whom Deputy Tours do not come in

Submitted for orders

MS

23/9/05

Please put up the file re Mr. Lane. — now being exempted from the operation of art. 559 in which an elaborate note on this article has been drawn up by the Comptroller.

25.9-05.

NOTE—Contn. sheet.

MGCPB—50,000—17-2-05

Serial No.

References called for have been put up
Submitted for orders.

MS
25/9/05

The primary allowance which an officer is entitled to is daily allowance which he can exchange for other allowances under art 561. Daily allowance is not exclusively halting allowance. It is the allowance which is intended to cover the ordinary daily charges of an officer on tour, when he is away from headquarters and whether he has been on the move or halted for the day - (vide art 559(a) G.S.R.)

Art. 559 provides that daily allowances under art 557 (which may be either for marches or halts) can be drawn only if the officer certifies that he has maintained camp equipage during the period of halt. If it was intended that only the claim for halting allowance was subject to this condition the rule should have been worded as follows:—

'An officer drawing daily halting allowances must certify that he has maintained camp equipage during the

MGCPB—50,000—17-2-05

Serial No.

period for which such allowance is claimed otherwise &c'. As the article now stands the drawing of daily allowances under art 557 is conditioned on the production of the certificate

Now for the rationale of the rule apart from its ending daily allowance includes among other items cost of carrying and maintaining camp equipage when such an equipage is taken by the officer (Controller's note of 30.1.05 in File No. 82 of 1904-05.) The maintenance of a camp equipage during a halt when the officer is on tour presupposes additional expense even during marches when the camp equipage has to be carried from place to place. The allowance which the officer draws on such occasions includes such additional charges and it is only right that when he does not incur such charges the allowance should be reduced.

Further instances of the kind now brought to notice the officer is entitled to mileage limited to daily allowance i.e. the allowance which he would be entitled to drawing for a halt, when he does not maintain camp-equipage

NOTE—Contn. sheet.

G.R.S. 12]

General and Revenue Secretariat.

S&A File No. 227 of 1905-06

Serial No.

In this connection attention is invited to Comptroller's note in which he points out that the full rates given in Appendix 2 of M.S.R. agree no closely with the similar rates given in appendix 25 of the Govt of India C.S.R (which latter are paid irrespective of maintenance of camp equipage) that it is open to doubt whether the exception about maintenance of camp equipage was not inadvertently put in in art 559, and also to the M. & S. Krishna Rao's note of 19-1-05 in the same file wherein for the same reason he thinks art 559 M.S.R to be unnecessary The rule does in many cases work with hardship and it is respectfully requested that the Government may ~~omit~~ order its being omitted. ~~from the M.S.R.~~

Submit to Secy for orders.

JF
30-9-05

Submitted to the Dewan Saheb for orders - Alteration of the rule is a Council matter

S
3.10.1905

10418

9047
4.10.05

Please council-

JF
3-10-05

the Comptroller once more mentioning what the modifications

NOTE—Contn. sheet

MGCPB—50,000—17-2-05

G.R.S. 12]

General and Revenue Secretariat.

S/A File No. 227 of 1905-06

Serial No.	
	re Mr Cameron's file - Make a proper offer regd. the files required & send. Should not this matter have been dealt with by the Controller?
1.	22.XII.05. (Illegible)
	Draft sent 25/12/1905
	Submitted with a draft Letter No. dt 28/12/05
	29-12-05. Passed 29.12.1905 29-12-05
2.	To the Comptroller & Govt No: H 4236 of the 6/1/06 Invites his attention to his memo no 85 of the 30/1/05 and requests him to favour with his opinion on the points raised by the Revenue Comm.r with regard to the D.a. bills of Mr Sparkes for March & April 1905
5.	From the Comptroller No: 3941/2a.97 of the 19/1/06. States that the question discussed by him in his unofficial memo of the 30/1/05 was

NOTE—Contn. sheet

MGCPB—50,000—17-2-0

Serial No.

to be settled on consideration of facts as to how the special rule in art 539 originated; that on the merits of the case the point to be considered is whether the cost of moving 5 or 6 miles by road without camp equipage so largely exceeds the rent of bungalow or other incidental charges due to a halt at a particular place as to justify the halting allowance being doubled in the former case; that it would be quite fair to assume that the extra charges incidental to a halt are about covered by actual movements of less than 20 miles a day; that he would not attach much importance to the argument put forth by the Rev Commt by laying stress on the word "halting" used in art 539; & that the objection taken by this office should be ~~held~~ upheld

Subd for orders to-day

Mr. 24/1

24-1-06.

Mr. For a draft as per Comptroller's View. &

27/1/1906.

Draft Subd. to-day

Mr 2/2/06

2-2-06

Draft submitted & the decision taken

11147 7.2.06.

3-2

G.R.S. 12]
General and Revenue Secretariat.

S&A File No. 227 of 1905-06

Serial No.	
	The Dewan has approved of the draft.
6.	To the Revenue Commr in Mysore, the Comptroller & Govt. & the Deputy Commrs of D'ts & Other Heads of Departments. No. H 5835-79/Q dtd 15/3/06. States that the Govt. concur in the view expressed by the Comptroller and see no reason to sanction the amount disallowed in the bills referred to in the letter from the Revenue Commr.

NOTE—Contn. sheet.

MGCPB—20,000—1-11-04.

D 1265

No. 2855

OFFICE OF THE REV. COMR. IN MYSORE,
Bangalore..... 18th September .....*190* 5.

FROM

T. ANANDA ROW, ESQ., B.A.,
Revenue Commissioner in Mysore.

To

The Secretary to the Government of His Highness
the Maharaja of Mysore,
General and Revenue Departments.

SIR,

I have the honor to submit herewith a copy of letter No. 888 dated 28th June 1905 and letter No. 23 dated 7th July 1905 together with their enclosures from the Deputy Commissioner, Mysore District, regarding the disallowance of certain sums by the Comptroller in the travelling allowance bills of Mr. H.H. Sparkes, Deputy Commissioner, for the months of March and April 1905. The sums disallowed are in respect of marches for which full daily allowance had been claimed by Mr. Sparkes though he had not certified that he had maintained camp equipage on the days in question. Both article 559 and the certificate No 3 printed on the reverse of Officers' travelling allowance bills do not require that an officer should maintain camp equipage on days for which he claims " daily marching allowance " but the Comptroller states that the certificate is held to apply to cases where daily allowance is claimed " whether it is for March or for Halt". As the Comptroller's interpretation does not appear to be warranted by the wording of the article in the service Regulations and of the Certificate, the Deputy Commissioner requests that either the amounts may be passed or the wording of the

the wording of the article and the certificate so altered as to conform to the Comptroller's interpretation. I am inclined to agree with the Deputy Commissioner and therefore request that the Comptroller may be kindly requested to pass the disallowed amounts.

I have the honor to be,

Sir,

Your most obedient servant,

For Revenue Commissioner.

Comp
Lt
19/9/'17

A.N.

G.R.S. 26]

SA File No. 217/05
Serial No (2)

Diary No. of letter replied to 1265

No. H 4236

General and Rev. Secretariat
(SA)
, the 6th January 1906.

To
The Comptroller to the Government
of H. H. the Maharaja

Date of issue —do—

Signed by W Sabharayachetty Sir,

In forwarding herewith
letter no 2855 dated the 18th Sept 05
from the Revenue Commissioner
in Mysore in re the travelling
allowance bills of Mr H. H. Sparkes
for the months of March and
April 1905 for reference and
obliging return, I am directed
to invite your attention to
your unofficial memo no 85
dated the 30th January 05 submitted
connection with a similar question
regarding the T. A. Bills of Mr

over.

SUBJECT.

Cannon, Superintendent of Cook Gardens

and to request you to be so good as
to state from post with your opinion on
the point now raised by the Revenue
Commissioner in his letter under
reference

I have &c.

25.12.05

For Secretary

24-12-05.

28/12/05

List of enclosures,

1 p &

Copied by

Examined by

MGCPB—20,000-19-12—04.

D-3044
227 05

Office of the Comptroller,
Mysore Government,
Bangalore, Dated 19th January 1906.

No. 3941 G
J.a.97

From

Rai N. G. Basu Bahadur, M.A.,
Comptroller of Mysore,
B a n g a l o r e.

To

B.K.Venkatavarada Iyengar, Esq.,
Secretary to the Government of Mysore,
General and Revenue Departments.

11 mail 9-1-06

Sir,

With reference to your letter No.Fl:4236/S&A 227-05-2 dated the 6th Instant forwarding for my opinion letter No.2855 dated the 18th September 05 in regarding the applicability of Article 559 Mysore Service Regulations to marches of less than 20 miles I have the honour to state that the question discussed by me in my un-official Memo of the 30th January 1905 was to be settled on consideration of facts as to how the special Mysore rule originated. I presume the papers in the case have not been traced and Government have not been able to come to definite decision.

2. In the present case, the Revenue Commissioner apparently admits that Mr.Sparkes should not claim the full rate of daily allowance when he halts at a particular place without Camp equipage. On the merits of the case, therefore, the point to be considered is whether the cost of moving 5 or 6 miles by road without any Camp Equipage so largely exceeds the rent of Bungalow or other incidental charges due to a halt at a particular place as to justify the halting allowance being doubled in the former case.

3 In my opinion there would be no justification for such an assumption and it would be quite fair to assume that the extra-

charges

charges incidental to a halt are about covered by actual movement of less than 20 miles a day. This view is supported by the fact that in British India no distinction is made in the matter of daily allowances between halt with Camp Equipage or without them.

4. The Revenue Commissioner appears to lay stress on the word halting used in Art:559 of the Regulations, but I do not attach much importance to the argument, because as above explained, to all intents and purposes, journey of less than 20 miles a day is treated technically as a halt and the Government practice is always to reimburse expenses of its officers by means of rates fixed on some well recognised principles.

5 I therefore think that the objection taken by my office should be upheld.

I have the honor to be,

Sir,

Your most obedient servant,

Comptroller.

G.R.S. 28]

File No. 227-05
Serial No. 6

Diary No. of letter replied to 3044

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(~~S~~)

, *the* 15—3—1906

Date of issue —do—

Signed by W Sampangi Chetty

READ.—

1) Letter no: 2855 d/ the 18/9/05 from the Revenue Commr in Mysore, submitting the travelling allowance bills of Mr A.H. Sparkes, Dy Commr of the Mysore Dt for March and April 1905 in which the Comptroller had disallowed half the full ~~daily~~ daily allowance claimed for marches on the ground that the certificate of having maintained Camp

over

11469
24 2 06

Spl
6.2.1906

SUBJECT
1/26.2.06

equipage for the days
on which the allowances
were claimed was not
furnished, and requesting
that as art 559 of the
M. S. Regulations applies
to halts and not to
marches, either the
allowances disallowed
by the Comptroller may
be sanctioned, or the
wording of the article
and the certificate pro-
vided thereunder so
altered as to conform
to the Comptroller's inter-
pretation.

2) Letter no: 3941/2a 97
of the 19/1/06 from the
Comptroller to Govt, stating
that as the cost of moving
5 or 6 miles by road without
camp equipage does not
so largely exceed the

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

rent of bungalow and other incidental charges due to a halt at a particular place as to justify halting allowance being doubled in the former case, and that is the extra charge incidental to a halt are ~~about~~ almost covered by actual movements of less than 20 miles a day, which are technically treated as halts, art 539 of the M. S. Regulations must be held to apply to both halts and marches.

Order thereon

No — H 5835-79
58A.227-05-6
8/15-36

Govt concur in the view expressed by the Comptroller

and see no reason
to sanction the amount
disallowed in the
bills referred to ~~in~~
in the first of the
two letters read above.

10th
J. 2. 1886
Secretary.

To
The Revd: Commdt in Mysore
with records.
The Comptroller to Govt
* The Dy Commds of Dts
& Other Hds of Departments.

ORIGINAL

1905-06

FILE No. 409 OF 1905-06.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

PROCEEDINGS OF THE GENERAL AND REVENUE DEPARTMENT

SALARIES AND ALLOWANCES

JANUARY

"A" Collection Serial Nos. 1—2

The scope of Article 373 of the Mysore Service Regulations re extraordinary pensions and gratuities.

TABLE OF CONTENTS.

Serial No. of File	Number and date of letter and contents	References	Page in Part A.
1	From the Comptroller, No. 3327—Pen. 350, dated the 16th December 1905. Explains the scope of Article 373 of the Mysore Service Regulations and requests that on the analogy of the practice obtaining in British India, a general order may be issued to all officers directing that the Comptroller shall, in reporting on the claims to extraordinary pensions, express his opinion as to the applicability of Article 373 to the case and that the officers shall forward to the Comptroller along with the pension application the verdict of the inquest and a short resume of the case.		1
2	To the Comptroller, the other Heads of Departments and the Deputy Commissioners of districts, No. Fl. 4370-415, dated 10th January 1906. Approves the suggestions made in paras 3 and 5 of the letter.		1

1905

GENERAL AND REVENUE SECRETARIAT

(SALARIES AND ALLOWANCES)

FOR JANUARY 1906.

NOTES

FILE No. 409 OF 1905-06.

The scope of article 373 of the Mysore Service Regulations *re* extraordinary pensions and gratuities.

From the Comptroller, No. 3327—Pen. 350, dated 16th December 1905.

Explains the scope of Article 373 of the Mysore Service Regulations and requests that on the analogy of the practice obtaining in British India, a general order may be issued to all officers directing that the Comptroller shall in reporting on the claims to extraordinary pensions express his opinion as to the applicability of Article 373 to the case and that the officers shall forward to the Comptroller along with the pension application the verdict of the inquest and a short resume of the case.

Submitted for order.

R. S. R. N. K. R.
18-12-05.

The suggestion made in para 5 of the Comptroller's letter is in contormity with the procedure laid down in Articles 383 and 384 of the Mysore Service Regulations and may be approved.

The practice obtaining in British India, referred to in para 3 of the Comptroller's letter, is in vogue here also. When the Comptroller reports upon an application for extraordinary pension, he invariably quotes the articles in the Service Regulations under which the claim is admissible. If in the course of his investigation he finds that the circumstances under which the injury or death was caused are such that in his opinion the case does not come within the purview of one or other of the rules in the Regulations, he can, in reporting upon the case, communicate his views to Government for their orders.

Submitted to Secretary.

T. SATYARAJ CHETTY.
20-12-05.

For a draft.

B. K. VENKATA VARADA IYENGAR.
20-12-05.

Draft submitted to Secretary.

T. SATYARAJ CHETTY.
21-12-05.

R. S. R. N. K. R.
21-12-05.

Draft submitted to the Dewan Saheb through the 2nd Councillor.

B. K. VENKATA VARADA IYENGAR.
22-12-05.

The suggestions made by the Comptroller may be approved.

C. M.
29-12-05.

B. K. VENKATA VARADA IYENGAR.
29-12-05.

P. N. K.
31-12-05.

Issue.

B. K. VENKATA VARADA IYENGAR.
3-1-06.

2. *To the Comptroller, the other Heads of Departments and the Deputy Commissioners of Districts, No. Fl. 4370-415, dated 10th January 1906.*

Approves the suggestions made in paras 3 and 5 of the letter.

Proceedings of the Government of His Highness the Maharaja of Mysore, Salaries and Allowances, January 1906.

The scope of Article 373 of the Mysore Service Regulations *re* extraordinary pensions and gratuities.

FILE NO. 409 OF 1905-06.

From Rai N. G. Basu Bahadur, M. A., Comptroller, Mysore Government, to B. K. Venkata Varada Iyengar, Esq., Secretary to Government, General and Revenue Departments, letter No. 3327—Pen. 350, dated the 16th December 1905.

Serial No. 1

I have the honour to bring to your notice that applications for extraordinary pensions and gratuities are becoming larger and larger day by day owing to the uncertainty of the scope of Article 373, Mysore Service Regulations, and I have been returning almost every one of them as not coming under the spirit of the Rules.

2. I beg to state that it is not so much the *cause of death as the circumstances under which it occurred* that is more material, and unless it is proved beyond doubt that death was a *natural consequence* of the discharge of the duties *involving imminent risk* and *known positively to exist before entering* upon the discharge of such duties, a case for pension or gratuity cannot, in my opinion, stand.

3. I may here state that in British India, the Government of India in the Financial Department have ruled that "' the existing practice under which it is necessary for an Audit Officer in reporting on claims to extraordinary pensions under the rules, to express an opinion upon the question whether or not injury or death was met in the performance of a duty attended with extraordinary bodily risk within the meaning of Article 735, Civil Service Regulation should not be altered."

4. If Government agree with me in the above view of the case, I request that a general order to all officers may be issued on the subject.

5. Inquests are generally dispensed with, but I am of opinion that both the verdict of the inquest and a short resume of the case together with the reasons for considering it as a fit case for exceptional treatment should always be forwarded by the recommending officers along with the pension application.

6. This view, if approved by Government, may also be communicated to the various officers.

7. I solicit early instructions of Government on the above, as a number of such applications, which are being added to every day, are pending disposal owing to the uncertainty about the interpretation to be put upon Article 373, Mysore Service Regulations.

Order thereon, No. Fl. 4370-415, dated Bangalore, 10th January 1906.

Serial No. 2.

To—The Comptroller.
The other Heads of Departments.
The Deputy Commissioners of Districts.

The suggestions made in paras 3 and 5 of the letter read above, are approved.